



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JRE  
Docket No: 5543-00  
24 July 2001



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 June 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were released from active duty on 3 October 1994, and transferred to the Temporary Disability Retired List (TDRL), with a 40% rating for diabetes mellitus. It appears that you were instructed to take 52 units of insulin per day at that time. On 8 June 1998, the Physical Evaluation Board (PEB) made preliminary findings that you remained unfit for duty, and that your condition was permanent and ratable at 20%. The members of the PEB noted that you had not been compliant with medical advice or dietary restrictions while assigned to the TDRL. The findings of the PEB were mailed to you at your last known address, as well as to a second address supplied by the U.S. Postal Service, but you did not receipt for either notice. Your acceptance of the findings was presumed, and you were discharged with entitlement to disability severance pay.

In the absence of evidence which demonstrates that your condition was ratable at 40% or higher at the time of your discharge, and that you were compliant with medical advice, the Board was unable to recommend any corrective action in your case.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director